

Historic District Review Committee

Staff Report August 10, 2009

Action Items

CAPP 2009-0010: Chambers/O'Brien Residence: Replace Fence in the Aldie Historic District (deferred from July 13 meeting). MCPI 396-10-1512.

Background

On Monday, July 13, 2009, the Loudoun County Historic District Review Committee (HDRC) deferred Certificate of Appropriateness 2009-0009 as submitted in the application dated June 10, 2009 and revised July 7, 2009. In response, the applicant submitted proposed changes to the application on Monday, August 3. Due to its submission date, staff did not have an opportunity to analyze the revised proposal and include a recommendation in the meeting packet. This staff report provides this analysis and recommendation, as well as findings and conditions. It also includes a summary of the applicant's submissions and the HDRC comments and recommendations from the July 13, 2009 HDRC meeting.

In the revised submission made in an email dated July 7, 2009, the applicant proposed:

- 1.) Decrease the fence height from 7' with a dip to 6.5' to 6' with a dip to 5.5',
- 2.) Add spaces between the pales, and
- 3.) Install post caps that match the existing caps on the altered fence on the southern section.

When the HDRC deferred the application, they proposed several recommendations:

- 1.) Relate the proposed fence to the existing picket design,
- 2.) Propose a change to the south section of altered fence so that it relates to the existing picket fence and the proposed fence along the east side of the yard, and
- 3.) On the east side yard, install a higher section of fence only beside the pool with lower sections flanking the ends.

The HDRC also agreed that they did not have issue with the following:

- 1.) The dark green color
- 2.) The Mount Vernon Dip fence style
- 3.) Post caps matching the existing caps on the altered fence

The revised application, as submitted on August 3, 2009, proposes the following:

- 1.) Maintain the 6' - 5.5' height
- 2.) Add a space between the pales (previously proposed)
- 3.) Pale width of 6"
- 4.) Mount Vernon Dip fence type with French Gothic posts

- 5.) Add angled section in northeast corner to transition from 4' picket fence to 6' Mount Vernon Dip fence
- 6.) Replace altered section to the south with a fence matching the proposed, and
- 7.) Fence material of western red cedar.

Staff notes that the revised application submitted in response to the deferral comments is not substantially different from the application as revised on July 7, 2009 that the HDRC deferred. Changes in the new submission focus on the justification for the proposed fence, rather than the HDRC's decision to defer the application, specifically related to the height and mass of the proposed fence.

Since the revised proposal for the fence is not substantially different than the fence proposed in the application that the HDRC deferred, Planning Staff offered to meet with the applicant to identify a solution that would meet the Aldie, Bluemont, Oatlands, and Taylorstown Historic District Guidelines (ABOT Guidelines). The applicant decided to forgo this meeting and to present the revised application as submitted to the HDRC at the Monday, August 10 meeting.

According to the zoning referral letter dated August 10, 2009, the newly proposed south section of fence meets the provisions of the Revised 1993 Zoning Ordinance.

Analysis

The ABOT Guidelines state that exceeding the average height of other fences on surrounding properties with the height of the new fence is an inappropriate treatment (ABOT Guidelines, Guidelines for Site Elements, Fences and Walls: Inappropriate Treatments 1, p. 46). Vertical board fences approved by the HDRC have been erected on a property directly across the street and a neighboring property. These fence heights average around 5' in height with 1" to 1.5" spaces between the pales. On Wednesday, August 5, 2009, staff visited the site and measured the height of HDRC-approved and historic fences on the surrounding properties.

A Certificate of Appropriateness (CAPP 1984-0003) was approved for the fence at 39313 John Mosby Highway. This property is directly across the street from the subject property. The fence was approved as a random width wood fence to be 4.5' tall with 0.5" spaces between the pales. The HDRC requested that the top of the fence have a uniform height. As built, the fence is approximately 4.5' high, but the spaces between the pales are 1.5".

The recipient of CAPP 1984-0003 also owns 39338 John Mosby Highway, the property adjacent to the east side of the subject property. The same style of fence approved for and built at 39313 John Mosby Highway has been installed on this property. A section of the fence was approved by the HDRC as part of CAPP 2008-0006. The dimensions are similar to the fence across the street; however, the plans show that this fence is 4' tall. As built, the entire fence has an approximate average height of 5' from the top of the fence to the ground and has a 1" space between the pales. To maintain a uniform height along the top of the fence, the fence is shorter than 5' in some places and taller

than 5' in others because of topography (Photo 1). The taller sections are near the rear of the yard, the shorter sections closer to the front.

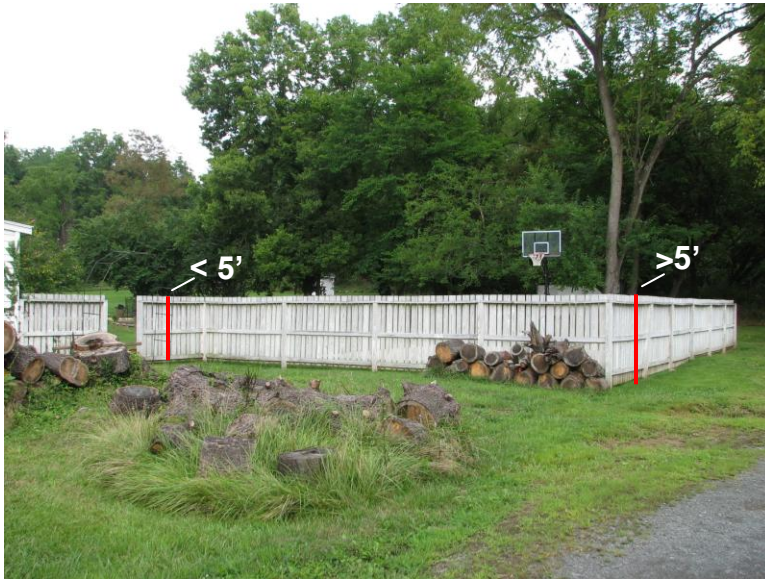


Photo 1: Rear yard fence at 39338 John Mosby Highway. Sections of this fence shown on the plans to be 4' tall were approved by the HDRC in 2008. This fence ranges in height from approximately 4.5' to 5.6', with the taller sections near the rear of the lot. It has 1" spaces between the pales.

A similar fence across the street was approved by the HDRC in 1984. It is approximately 4.5' tall with 1.5" spaces between the pales.

The applicant proposes a pale width of 6". This width is not a traditional pale width for fences. It is also not consistent with the pale width of the existing picket fence (3.5"). While the approved vertical board fences on surrounding properties may have some boards that are 6" wide, their mass is broken up by the combination with narrower boards. Staff also notes that during a conversation with the applicant prior to the July 13, 2009 HDRC meeting, the applicant agreed that a 6" pale width was not a historically appropriate and that a 4" pale width would be more in character with the district. A fence comprised of 6" boards creates a visual mass that is out of character and scale with existing fences, the house on the subject property, and the historic district and does not meet the ABOT Guidelines.

Staff notes that picket fences are typically painted white, as are the approved board fences surrounding the property. Should the existing modified solid stockade fence across the front be replaced with pickets and the side yard fence have a fence design more consistent with the existing picket fence and other fences in the district, then white, rather than dark green, would be a more appropriate color for the proposed fence. The dark green color would help blend the proposed taller, more massive, Mount Vernon Dip fence into the background, making it less visually intrusive from the road.

The applicant notes in the Statement of Justification that in addition to improving privacy in the rear yard, the intent of the fence is to "shield the pool/entertainment area" in the rear yard from the village to preserve the character of the Aldie Historic District. The applicant refers to the ABOT Guidelines for Outdoor Living Spaces, which recommends that proper location, as well as site elements such as fencing and plantings, be used to screen these modern amenities from view (ABOT Guidelines, Guidelines for Site Elements, Outdoor Living Spaces: Text, p. 45). Staff notes that the pool is in-ground

and located behind the house more than 115' from the road. This is an appropriate location for modern outdoor living spaces. The retaining wall around the pool is constructed of stone, a material appropriate to the district. Therefore, a fence that is 6' to 5.5' tall is not necessary to screen the pool and entertainment area from the view to reduce their impact on the district.

Findings

- 1.) HDRC-approved wood fences on the surrounding properties have an approved height of 4' to 4.5' and approximate average as-built height of 5'. Space between the pales range from 1" to 1.5" and the pales are of random widths. The fence panels are flat, rather than dipped.
- 2.) Historic fences, including a cast iron fence and brick walls, on the surrounding properties range in height from 3' to 3' 8".
- 3.) The existing approved fence surrounding the subject property's rear yard is 4' tall with 3.5' wide pickets spaced at 1.75" intervals. The posts are shorter than the pickets and have chamfered tops.
- 4.) The proposed fence height of 5.5' to 6' is taller than the average height of HDRC-approved wood fences or historic fences on surrounding properties and does not meet the ABOT Guidelines.
- 5.) A pale width of 6" does not relate to the width of the existing picket fence, is not typical of traditional fence types, and creates a visual mass that is out of scale with the existing fence, house, and district.
- 6.) The proposed privacy fence along the side lot line and to the rear of the house is minimally visible from the road.
- 7.) A fence constructed of vertical boards, either plain boards (3.5" to 4" wide) or pickets with a shape matching the HDRC-approved fence on the subject property (3.5" wide), on the east sideyard will be consistent with the existing HDRC-approved picket fence around the rear yard and other board fences approved in the Aldie Historic District.
- 8.) Fence posts matching the existing, HDRC-approved fence posts will create a visual continuity between the existing rear yard fence and the proposed fence.
- 9.) Matching the south section (east of the house) of fence with the existing and HDRC-approved picket fence on the west side of the house in height, pale width, pale shape, and pale spacing, will create a consistent fence type across the front of house and yard, which is highly visible from the road.
- 10.) Wood, specifically western red cedar, is an appropriate material for the fence.
- 11.) Picket fences are typically painted white. A lower, less massive fence of a type more consistent with the existing fences in the district would not need to blend into the background to mitigate its visual intrusion on the district.
- 12.) The location and materials for the pool and its retaining wall are appropriate to the district and do not require a 5.5' to 6' tall fence to screen them from view.

Recommendation

Staff recommends approval of the application with the following conditions:

Conditions

- 1.) The fence height along the eastern side yard does not exceed 5' in height from the ground.
- 2.) The width between the pales along the eastern side yard is 1".
- 3.) The fence panels along the eastern side yard and the south section east of the house are a consistent height and do not have a Mount Vernon Dip.
- 4.) The pales along the eastern side yard are the same shape as those composing the existing and HDRC-approved picket fence (3.5" wide) or plain boards (3.5" to 4" wide).
- 5.) The posts be shorter than the pickets and have chamfered tops, matching those on the existing fence.
- 6.) The end sections along the 5' high fence along the eastern lot line taper down to the 4' fence along the front and rear fence sections.
- 7.) The height, pale width, pale shape, and pale spacing of the south section (east of the house) of fence match the existing and HDRC-approved picket fence on the west side of the house.

Suggested Motions

1. *I move that the Historic District Review Committee approve Certificate of Appropriateness 2009-0010 for the proposed privacy fence along the eastern lot line of 39308 John Mosby Highway in accordance with the Loudoun County Historic District Guidelines for the Aldie, Bluemont, Oatlands, and Taylorstown based on the following findings (see findings above)....and the following conditions....*
2. *I move that the Historic District Review Committee defer Certificate of Appropriateness 2009-0010 for the proposed privacy fence along the eastern lot line of 39308 John Mosby Highway in accordance with the Loudoun County Historic District Guidelines for the Aldie, Bluemont, Oatlands, and Taylorstown Historic and Cultural Conservation Districts based on the following findings...(see findings above).*
3. *I move that the Historic District Review Committee approve Certificate of Appropriateness 2009-0010 for the proposed privacy fence along the eastern lot line of 39308 John Mosby Highway in accordance with the Loudoun County Historic District Guidelines for the Aldie, Bluemont, Oatlands, and Taylorstown Historic and Cultural Conservation Districts based on the following findings...(see findings above).*
4. *I move alternate motion...*